

REMARKS/ARGUMENTS

In response to the Notice of Non-Compliant Amendment mailed November 14, 2007, claims 1, 3, 4, 6, 7-12, 15-19, 55 and 73 have been identified as canceled in the listing of claims. New claims 77-83 have been added.

Reconsideration of this Application and entry of this Amendment is respectfully requested.

35 U.S.C. § 101 Rejection

The Applicants have cancelled claims 17-19 and amended claim 76 to include the limitation “adapted to be” before the word “located” as suggested in the Examiner’s 35 U.S.C. § 101 rejection of April 26, 2007. Therefore, the Applicants respectfully assert this rejection has been traversed and respectfully request the Examiner withdraw the rejection.

35 U.S.C. § 112 Second Paragraph Rejection

The Applicants have cancelled claims 17-19 and amended claim 76 to include the limitation “adapted to be” before the word “located” as suggested in the Examiner’s 35 U.S.C. § 112 second paragraph rejection of April 26, 2007. Therefore, the Applicants respectfully assert this rejection has been traversed and respectfully request the Examiner withdraw the rejection.

35 U.S.C. § 102 Rejections

A. Claims 74-76 stand rejected under 35 U.S.C. § 102 (b) over Heil, Jr. USPN 5,041,107.

The Applicants have amended independent claim 74 to be consistent with the Examiner’s recommendation in her April 26, 2007 office action. Specifically the Applicant has amended the preamble of Claim 74 as follows: [A device for the treatment of aneurismal tissue] An aneurismal tissue treatment device comprising... Further, the Applicants have amended claim 74 to include the language found on lines 6-9 of paragraph [0008] in the present application.

Therefore, the Applicants respectfully assert this rejection has been traversed and respectfully request the Examiner withdraw the rejection.

B. Claims 1, 3, 4, 6, 7, 9, 11, 16, 18, 19, and 73 stand rejected under 35 U.S.C. § 102 (b) over McCrory et al. USPN 6,139,520.

Claims 1, 3, 4, 6, 7, 9, 11, 16, 18, 19, and 73 have been canceled; therefore, the Applicants respectfully assert this rejection is now moot and respectfully request the Examiner withdraw the rejection.

C. Claims 1, 6, 7, 9, 10, 16-18, 55, and 73 stand rejected under 35 U.S.C. § 102 (e) over Rosenbluth et al. USPPN 2003/0014075.

Claims 1, 6, 7, 9, 10, 16-18, 55, and 73 have been canceled; therefore, the Applicants respectfully assert this rejection is now moot and respectfully request the Examiner withdraw the rejection.

35 U.S.C. § 103 Rejections

A. Claims 10 and 15 stand rejected under 35 U.S.C. § 103 (a) as obvious over McCrory et al. USPN 6,139,520.

Claims 10 and 15 have been canceled; therefore, the Applicants respectfully assert this rejection is now moot and respectfully request the Examiner withdraw the rejection.

B. Claims 55 and 17 stand rejected under 35 U.S.C. § 103 (a) as obvious over McCrory et al. USPN 6,139,520 in view of Rosenbluth et al. USPPN 2003/0014075

Claims 55 and 17 have been canceled; therefore, the Applicants respectfully assert this rejection is now moot and respectfully request the Examiner withdraw the rejection.

C. Claims 3, 4, 7 and 8 stand rejected under 35 U.S.C. § 103 (a) as obvious over Rosenbluth et al. USPPN 2003/0014075 in view of Hubbell et al. USPN 5,410,016.

Claims 3, 4, 7 and 8 have been canceled; therefore, the Applicants respectfully assert this rejection is now moot and respectfully request the Examiner withdraw the rejection.

Conclusion

Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1888.

Respectfully submitted,

/Janis J. Biksa, Reg. No. 33,648/
Janis J. Biksa
Registration No. 33,648
Attorney for Applicant

Medtronic Vascular, Inc.
3576 Unocal Place
Santa Rosa, CA 95403
Facsimile No.: (707) 543-5420